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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CECELIA LINARES, on behalf of herself
12 and all other similarly situated California
residents,

13 Plaintiff,

14 vs.

15
16 COSTCO WHOLESALE, INC., a
Washington corporation,

17 Defendant.
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CASE NO. 11-cv-2547-MMA (RBB)

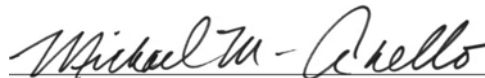
**ORDER AFFIRMING TENTATIVE
RULING AND GRANTING IN
PART AND DENYING IN PART
DEFENDANT'S MOTION TO
DISMISS**

[Doc. No. 8]

19 Currently pending before the Court is Defendant Costco Wholesale, Inc.'s motion to
20 dismiss Plaintiff Cecelia Linares' complaint pursuant to Federal Rules of Civil Procedure 8(a),
21 9(b), 12(b)(1) and 12(b)(6). [Doc. No. 8.] Upon due consideration of the parties' submissions and
22 the oral argument of counsel, the Court **AFFIRMS** its tentative ruling [Doc. No. 24] and
23 **GRANTS IN PART** and **DENIES IN PART** Defendant's motion to dismiss. As such, Plaintiff's
24 claims relating to Glucosamine with MSM and advertisements she did not personally view are
DISMISSED with prejudice. The Court **GRANTS** Plaintiff thirty days to amend the complaint.

25 **IT IS SO ORDERED.**

26 DATED: March 26, 2012

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28 Hon. Michael M. Anello
United States District Judge